Negotiated Changes for National Instant Criminal Background Check System Improvement Amendments Act of 2007

1) Stop Congress from expanding gun control in statute

As originally drafted, the bill took a regulation that the Clinton Administration drafted to help implement the Brady bill and made it law. This regulation enabled the VA and state courts to take away the gun rights of people who had trouble managing their money. This caused at least 140,000 veterans that we know of, to lose their gun rights even though they did not commit a crime and it had never been established that they might be a threat to themselves or others. This bill would have expanded the existing laws by codifying this bad regulation.

I was able to remove this language from the original draft that made the Clinton Administration's overly broad regulations law. This will enable the Bureau of Alcohol, Tobacco and Firearms Enforcement to re-draft the regulations to ensure that only people who might be a danger to themselves or others are included and prevent the wrongful inclusion of law-abiding veterans. I have already met with Acting Director Sullivan twice to address this issue, including once with Senator Schumer. I am hopeful an agreement can be reached in the next couple of months.

2) Cut Down on Bureaucracy

The bill, as drafted, allowed the Attorney General to remove people's names from the NICS database if he found that they were wrongfully included or received necessary rehabilitation, and were no longer a threat to the public. However, these people were never informed that they had their gun rights restored nor were their rights actually restored and still had to apply for their rights to be officially restored.

I included language to restore a person's rights automatically, rather than force them to still apply for their rights to be restored. Since 1993 Congress has not appropriated money to process the paperwork to restore rights. This has effectively taken away gun rights from people who should have them restored. I successfully put a stop to this by making the update of the NICS record a way to automatically restore gun rights. Furthermore, when a person's rights are restored, they are notified.

3) Restore Rights Automatically

According to the VA Director, veterans who were in a temporary coma and were fully healed would lose their gun rights indefinitely because of the bad regulations. I successfully negotiated language to ensure that when a veteran or anyone recovers that their rights would be automatically restored and they would be notified.

4) Ensure Greater Due Process for our Veterans

The existing regulations have allowed for veterans who want someone else to handle their VA benefits to automatically lose their gun rights. This development was not determined by Congress but by federal agencies and their bureaucracies. I successfully negotiated giving

the veteran full notice of what rights are at risk when he surrenders his benefits to a fiduciary (both written and oral).

5) Establish Remedy for Relief from Loss of Gun Rights

In 1968, Congress established, by law, a way to restore gun rights if they were taken away and the person could establish that: 1) they were not likely to be a threat to themselves or to others; 2) restoring their gun rights would not be contrary to the public interest. If they could not convince the agency that they should have their rights restored, they could appeal in court. However, since 1993, Congress has forbidden the agencies from spending money to process these petitions to have their rights restored. This effectively keeps law-abiding citizens from restoring their gun rights. The Courts cannot hear their case until they have been denied.

I successfully negotiated language to ensure that if the agency does not process an individual's application for relief within 365 days, that he automatically be "denied without cause." This will enable the individual to take his case to court and allow the presiding judge review the facts without bias and restore their Second Amendment rights.

Furthermore, I negotiated language to provide these individuals who are forced to go to court to restore their wrongfully - denied rights, with reimbursement of attorney's fees if they win.

6) Reduce Spending

I successfully negotiated a reduction in the spending. This bill authorized annual spending more than 20 times the amount that had been previously appropriated on an annual basis. My negotiations saved the tax payers more than 100 million dollars annually for the next five years.

7) Guarantee Funds for State Relief Programs

Currently, states can take away gun rights but if they were wrongfully taken away, they have no authority to restore the gun rights and the person is forced to apply to the federal government. I successfully negotiated language to require a portion of appropriated funds for the states to be used to establish and maintain a relief application process so that people who do not pose a danger to themselves or to others can have their rights restored at the state level.